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GOVERNMENT OF KERALA

Taxes (A) Department

NOTIFICATION

G. O. (Ms) 31/74/TD. *Dated, Trivandrum, 28th February 1974.*

THE KERALA ABKARI SHOPS (DISPOSAL IN AUCTION) RULES, 1974

S. R. O. No. 157/74.—In exercise of the powers conferred by section 18-A and 29 of the Abkari Act, I of 1077, and of all other powers hereunto enabling and in supersession of all the rules, orders and notifications on the subject, the Government of Kerala hereby make the following rules:

RULES

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) These rules may be called the "Kerala Abkari Shops (Disposal in Auction) Rules, 1974".

(2) They shall come into force at once.

33/790/MC.

2. *Definitions.*—In these rules, unless the context otherwise requires—

(a) "Abkari Shop" or "shop" means a toddy shop or an arrack shop or a foreign liquor wholesale shop or a foreign liquor retail shop;

(b) "Act" means the Abkari Act, I of 1077;

(c) "Arrack" means spirit manufactured from molasses or from jaggery in any of the approved distilleries in India, not coloured or flavoured and reduced to 25° U. P. or to such other strength as may be fixed by Government from time to time and on which duty of Excise is not ordinarily leviable at the tariff rate;

(d) "Assistant Excise Commissioner" means an Officer in executive charge of an Excise Division and includes any officer appointed by the Government under clause (b) of section 4 of the Act to exercise the powers and to perform the functions of an Assistant Excise Commissioner under these rules;

(e) "Board of Revenue" means, the Board of Revenue, Kerala constituted under the Kerala Board of Revenue Act, 1957 (7 of 1957);

(f) "Cocobrandy" means, Spirit manufactured by distillation of coconut toddy and coloured, flavoured, bottled and issued under the name of Cocobrandy;

(g) "Deputy Commissioner of Excise" means an Officer in charge of an Excise Zone and includes any Officer appointed by the Government under clause (b) of Section 4 of the Act to exercise the powers and to perform the functions of a Deputy Commissioner of Excise under these rules;

(h) "Excise Inspector" means, an officer in charge of an Excise Range and includes any officer appointed by the Government under clause (f) of Section 4 of the Act to exercise the powers and perform the functions of an Excise Inspector under these rules;

(i) "Foreign Liquor Retail Shop" means, a shop where the privilege of vending foreign liquor including Cocobrandy in retail with the privilege of consumption on the premises, is allowed;

(j) "Foreign Liquor Wholesale Shop" means a shop where the privilege of supplying foreign liquor by wholesale and selling in retail without the privilege of consumption on the premises, is allowed;

(k) "Sub shop" means, a shop (arrack or toddy) subsidiary to the main shop (arrack or toddy) put to auction under these rules and allowed to be located within the local limits of its main shop by the Assistant Excise Commissioner on payment of the prescribed fee;

(l) All other words and expressions used herein and not defined in these rules shall have the meaning respectively assigned to them in the Act and other rules framed thereunder.

CHAPTER II

DISPOSAL OF THE SHOPS

3. (1) The privilege of vending toddy, arrack and foreign liquor including cocobrandy for any period in all or any of the independent retail shops and foreign liquor in all or any of the independent wholesale shops, as may be decided by Government from time to time, within the tracts or taluks to be notified in the Gazette shall be put to public auction shop by shop or in lot or lots by any Member of the Board of Revenue or by the Collector of the District or by the Deputy Commissioner of Excise or by any officer authorised by the Government or the Board of Revenue in this behalf at the place or places to be fixed from time to time.

(2) Government shall reserve the right to dispose of the privilege of vending toddy in any other manner as they deem fit if they consider that there were no proper bids for a shop or shops in any area. Government shall also reserve the right to permit sale of preserved and/or bottled toddy in hotels having a ranking of two stars and above.

CHAPTER III

NUMBER, LOCATION AND SCHEDULE OF SHOPS

4. The number of independent toddy, arrack, foreign liquor retail and foreign liquor wholesale shops in each of the tracts or taluks and also the limits within which such shops are to be located, the period for which the privilege of vending, selling or supplying is to be auctioned and the places and dates of auction shall be notified in the Gazette at least ten days before the commencement of the auctions.

CHAPTER IV

GENERAL CONDITIONS APPLICABLE TO SALE OF ABKARI SHOPS

5. (1) Each intending bidder shall deposit a sum of Rs. 200 (Rupees two hundred) as earnest money with the Assistant Excise Commissioner of the Division concerned before the time of auction

and he shall obtain a receipt therefor from that officer. The receipts shall serve also as hall tickets for the admission of the intending bidders to the auction room.

(2) Where a person bids as an agent for another he shall not be recognised unless he produces to the officer conducting the sale a duly executed power of attorney from his principal. Otherwise the agents shall not be permitted to take part in the auction and to sign in the bid list.

(3) (a) The officer conducting the sale shall cause notice regarding sale to be read out in the auction room before he commences the sale.

(b) The officer conducting the sale shall be at liberty to exclude any intending bidder on any of the following grounds namely:—

(i) that he has been convicted by a criminal court for any offence or offences falling under the Indian Penal Code and involving moral turpitude;

(ii) that he has been convicted for any offence under the laws relating to Excise Revenue;

(iii) that he is a defaulter in respect of any opium contract and is now in arrears;

(iv) that he is a public servant in the services of Government;

(v) that he is not a person of good repute;

(vi) that he represents the interest of any person who is prohibited from bidding under these rules;

(vii) that in the opinion of such officer such bidder is of doubtful solvency and he is unwilling to deposit such sum as is ordered to be deposited by the said officer; and

(viii) that he is a person below 18 years of age.

(4) No defaulter of abkari arrears shall be allowed to participate in the auction unless he produces from the Excise Inspector concerned a certificate to the effect that he has remitted before the date of auction 20% of the arrears pending as on the date of the auction notification.

(5) The officer conducting the sale shall put up to auction separately or if necessary in lot or lots the several items in the notice of sale. No clubbing of shops in more than one taluk shall be made. There shall also be no clubbing between different categories of shops. He may at his discretion refuse to accept the bid of any person on the ground that his bid is purely speculative or malicious or for any other valid reason.

(6) Upset price of a shop or shops in the auction shall be fixed at the discretion of the officer conducting the sale.

(7) The officer conducting the sale shall be at liberty to close the auction if he is satisfied that there has not been sufficient or fair competition, in which case, he may adjourn the sale publicly to a specified hour on the following day, or some other convenient day to be notified by him. If the officer who closes the auction as aforesaid, does not adjourn the sale as provided, the Excise Commissioner shall notify such sale afresh. In case of failure to procure satisfactory bids the officer conducting the sale, may dispose of the shops by private negotiation to parties undertaking to abide by all the conditions in these rules. In such cases written offers shall be obtained from the parties and temporary agreements executed by them. Their liability regarding the privilege of sale shall commence from the date of confirmation of sale to them. In the case of shop earmarked for supply of toddy for manufacture of cocobrandy, the officer conducting the auction may dispose of it by private negotiation with the cocobrandy supply contractor with or without the privilege of sale of toddy in the shop.

(8) The officer conducting the sale shall, as the auction proceeds, enter in the sale list against each item put up to auction the name of the person declared by him to be the auction purchaser and the amount of his bid. The sale list shall be signed and dated at the place of sale by the officer conducting the sale and by the persons declared by him to be the auction purchasers.

(9) In the case of any dispute at the time and place of auction, the decision of the officer conducting the sale shall be final. If for any reason the highest bid is to be rejected the officer conducting the auction shall note down the reason therefor in the records kept by him and read out the same openly and then declare the next highest bidder as the auction purchaser. It shall also be at his option to declare the sale of the shop or shops in question for reauction.

(10) No person declared to be the auction purchaser by the officer conducting the sale shall withdraw from the offer and he shall at once execute a temporary agreement in form No. I appended to these rules. He shall make a deposit in cash at the time of signing the agreement and sale list of an amount equivalent to not less than 30% of the amount of his bid or such other higher amount as may be fixed by the officer conducting the sale and shall also furnish personal sureties if so required by such officer. He shall also produce before the auctioning officer a solvency certificate for an amount not less than 20% of the bid amount or in lieu of solvency certificate shall furnish additional cash security for an amount not less than 20% of the bid amount. If he fails to do so the earnest money paid by him under sub-rule (1) shall be forfeited to the

State Revenue. The shop or shops in question shall again be put to auction by the officer conducting the sale either immediately or on a future date to be notified by him or otherwise disposed of at the discretion of the Board of Revenue. The reauction shall always be at the risk of the defaulter (first auction purchaser) who cannot lay claim to any gain accruing from the reauction but in the event of loss to Government by such reauction he shall be required to make good the deficiency between the total amount payable by him for the whole period under the terms of the original sale and the total amount payable by the reauction purchaser. In the event of such loss to Government; the loss with interest at 9 per cent thereon shall be recovered from the defaulter (first auction purchaser) in the same manner as if it were an arrear of land revenue. Disposal otherwise includes closure or departmental management. The defaulter shall be debarred from bidding again the same shop or shops as the case may be or any other abkari privilege during the contract period in question.

(11) Auction purchasers in whose names the sales of shops are declared by the auctioning officer at the time of auction shall not be permitted to transfer or encumber any of their assets to the detriment of the amount that may become due under the contract including the deposit due from them and such transactions, if any, noticed shall be deemed void to the extent of the sum due under such contract.

(12) After an auction is concluded, the earnest money paid by all unsuccessful bidders under sub-rule (1) shall as soon as possible be returned to them by the Officer conducting the auction on production of the original cash receipt therefor which shall be cancelled immediately.

(13) No sale shall be deemed final as against the Government unless confirmed by the Board of Revenue who shall be at liberty to accept or reject any bid for valid reason to be recorded in writing.

(14) Every confirmation or rejection with reasons therefor of the sale shall be communicated to the auction purchaser in writing as soon as possible.

(15) In addition to the solvency certificate and cash security mentioned in sub-rule (10) the auction purchaser shall furnish such personal sureties as may be required of him to the satisfaction of the Assistant Excise Commissioner. The Board of Revenue may, if in their opinion it is necessary, require the auction purchaser to furnish additional cash security as may be fixed by them at the time of confirmation. The auction purchaser shall also execute a permanent agreement in Form No. II appended to these rules and take out necessary licence before installation of the shop or shops. On the failure of the auction purchaser to make such deposit referred

to in sub-rule (10) or take out such licence or execute such agreement temporary or permanent or furnish such personal surety or additional cash security as aforesaid, the deposit already made by him towards earnest money and security shall be forfeited to Government and the shop resold or otherwise disposed of by the Assistant Excise Commissioner subject to confirmation by the Board of Revenue. Disposal otherwise includes closure or departmental management. In the case of death of an auction purchaser before the execution of the permanent agreement, the same shall be obtained from the heirs of the deceased unless the Assistant Excise Commissioner subject to the confirmation by the Board of Revenue cancels the contract. In the case of death of an auction purchaser after confirmation of the sale of the shop or shops, his heirs, if any, shall be required to produce the necessary legal evidence in support of their claim and on production of the same the shop shall be transferred to them and pending such transfer the shop shall be run on departmental management. It is open to the Assistant Excise Commissioner to call upon them to furnish additional security, if in his opinion it is necessary for the successful working of the contract. If the heirs fail to produce within a period of one month from the date of death of the auction purchaser the necessary evidence in suport of their claim or to deposit the additional security required, the Assistant Excise Commissioner shall order the resale of the shop or shops or otherwise dispose of the shop or shops at the risk of the original purchaser subject to confirmation by the Board of Revenue.

(16) A resale or disposal of the shop effected under sub-rules (10) & (15) shall always be at the risk of the original auction purchaser, who cannot lay claim to any gain accruing from the resale but in the event of loss to Government he shall be required to make good the deficiency between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the resale purchaser. The liability against the original auction purchaser and the resale purchaser shall be calculated respectively upto and from the date of confirmation of the resale. In the event of loss to Government the forfeited deposit shall be deducted from the loss arising from the resale and the remainder, if any, with interest at 9 per cent thereon shall be recovered from the defaulter in the same manner as if it were an arrear of land revenue. If the forfeited deposit is greater than the loss by resale the whole of such deposit shall be credited to the Government. When the rental fetched at a resale is higher than the original rental, the amount of liability against the original auction purchaser shall be calculated at the rate of the original rental upto the date of confirmation of the resale. A defaulting auction purchaser or resale purchaser shall be similarly liable, if the privilege is disposed of subsequently and such disposal results in loss to the Government

as compared with the original sale. Disposal otherwise than by resale includes closure of departmental management. The departmental management fee collected from a shop while it was under departmental management due to default of payment of security, kist etc., shall be liable to forfeiture at the discretion of the Excise Commissioner.

(17) The auction purchaser of the privilege shall be liable to the penalties for any breach of the conditions under these rules, though a formal licence may not have been issued to him. In the event of the purchaser's death after issue of the licence his heirs and nominees shall be responsible for all the moneys that may become due to Government under the terms of the licence, to the extent of the assets inherited by them from the deceased purchaser.

(18) The amount for which the privilege is sold shall represent the dues for the period from 1st April of the year to 31st March of the year following.

(19) The deposits referred to in sub-rule (10) shall be taken as security for the due performance of the conditions of the licence. They shall be credited towards kist due for the last two or more instalments as the case may be, of the contract unless previously appropriated under the rules.

(20) The Excise Commissioner or any other officer authorised by him in this behalf may grant seasonal licences for the sale of toddy or arrack in connection with fairs or festivals and|or harvest and cultivation operation in places like Kuttanad, in selected places in the vicinity of which there shall be no regularly licensed shops or where the existing number of shops is insufficient. Such licences shall be granted to the shop keepers who already hold licence in or usually supply the locality. The fee to be paid therefor will be fixed by Government and the duration of the licence shall be fixed at the discretion of the Excise Commissioner.

(21) Sub shops not exceeding two in number may be sanctioned within the scheduled limits of an abkari shop (toddy or arrack) on individual applications from the licensee, on the following terms and conditions and such other additional conditions as may be prescribed by the Excise Commissioner from time to time.

(a) The licences for the sub shops shall be issued by the Assistant Excise Commissioner.

(b) The location of the sub shops shall not be within a distance of 1600 metres from another main shop or sub shop of the same kind (toddy or arrack) belonging to another licensee.

(c) The location of the sub shop shall satisfy all the general conditions relating to distance from places of worship etc., which are applicable to the main shop.

(d) The actual location of the sub shops shall be decided by the Assistant Excise Commissioners and shall not be changed during the currency of the contract.

(e) In the case of arrack sub shops no additional quota will be allowed.

(f) A licence fee of Rs. 720 for a year or part thereof is fixed for each sub shop (toddy or arrack).

(g) Sub shops shall commence functioning only after receipt of licence from the Assistant Excise Commissioner.

(h) The employees and tappers attached to the sub-shops shall be treated as regular employees of the main shop.

(i) The violation of any of these conditions and or additional conditions prescribed by the Commissioner shall entail cancellation of the licence for the sub shop.

CHAPTER V

GENERAL CONDITIONS APPLICABLE TO LICENSEES OF TODDY, ARRACK OR FOREIGN LIQUOR RETAIL AND FOREIGN LIQUOR WHOLESALE SHOPS.

6(1) No licensee of any toddy, arrack or foreign liquor shop shall be permitted to sell or possess toddy, arrack or foreign liquor or cocobrandy outside the local limits specified in his licence.

(2) No toddy, arrack or foreign liquor shop shall be located outside the limits notified in the Gazette under rule 4, but with the previous sanction of Assistant Excise Commissioner it may be removed from one place to another within such limits. But no shop other than a Foreign Liquor Wholesale shop shall be located in, or removed to a place—

(a) within an area declared as a project area; or

(b) within 400 metres from any Schools, Temples, Church, Mosque or burial ground:

Provided that the Board of Revenue may, for sufficient reasons, permit any shop to be located in or removed to a place referred to in clause (a) or clause (b) subject to such restrictions and conditions, if any, as may be imposed.

(3) It shall be competent to the Board of Revenue to order the transfer of shops from one site or locality to another site or locality or to alter the specified limits of any shop even during the currency of the contract or to order any shop to be closed in the interest of public place or morality or on grounds of expediency and in such an event of transfer, alteration or closure, the contractor shall have no claim for compensation.

(4) Toddy, arrack or foreign liquor including Coco-brandy as the case may be shall be sold, only in a suitable building of which the whole or the whole of a separate part shall be exclusively set apart for use as a shop. But this Sub Rule shall not apply to a foreign liquor wholesale shop.

(5) The possession or sale at any licensed premises of any liquor other than that to which the licence relates is prohibited.

(6) A sign board of the dimensions 1 metre x 3/4 metre may be displayed only on the main frontage of the shop. The sign board should have a black background with the name and number of the shop and the name of the licensee written in white letters. The sign board should not contain any other matter. The licence must be hung up in a conspicuous place within.

(7) Every Officer authorised to inspect shops shall have authority to take possession of any toddy, arrack or foreign liquor including coco-brandy found unfit for consumption or suspected to have been tampered with. The officers not below the rank of Excise Inspectors are empowered to seize and destroy any liquor kept in shops and found to be unfit for consumption or which has been tampered with.

(8) The sale or transport of toddy, arrack or foreign liquor including coco-brandy by persons below the age of 18 years or by persons suffering from leprosy or other contageous diseases and the employment of such persons in shops for the sale or transport of such liquors are prohibited.

(9) No liquor in excess of the quantity mentioned below:

(i) Toddy measuring 2½ litres.

(ii) Arrack 750 milli litres.

(iii) Coco-brandy 750 milli litres.

(iv) Foreign liquor (including coco-brandy not exceeding 750 ml.) 4½ litres.

shall be allowed to be removed by any person at any one time from any licensed premises without a valid permit obtained from the officer in charge of the Excise Range or Division within the

Range or Division respectively, provided that subject to the above maximum quantity for each individual item, the aggregate quantity of more than one kind of liquor which may be transported or possessed at a time without a permit or licence as the case may be shall not exceed:

(a) 4½ litres in cases where foreign liquor or Indian Made Foreign Liquor is one of the kinds of liquor transported or possessed, subject to the restrictions in (b) and (c) below;

(b) Subject to the restriction in (c) below 2½ litres in cases where the kinds of liquor transported or possessed are:

(i) Toddy, arrack and cocobrandy or

(ii) Toddy and arrack or

(iii) Toddy and coco-brandy;

(c) 750 milli litres in case where the kinds of liquor transported or possessed are arrack and coco-brandy only. The licensers are not competent to issue permits under this rule.

(10) The Assistant Excise Commissioner may fix the working hours of shops in each area according to his discretion subject to the condition that the total working hours shall not exceed 12 hours in a day and no shop shall remain open earlier than 9 a. m. or later than 10 p. m. except on special occasions, like fairs and festivals. But the Assistant Excise Commissioner may relax the above condition when found necessary.

(11) No drunkeness, riot or gambling shall be permitted within the shops and no person of notoriously bad character shall be permitted to meet or remain therein. Intimation of any offence committed or of the presence of habitual offenders or disorderly persons shall be given by the licensed shop keepers to the nearest Magistrate or Police Station. No persons shall be admitted or allowed to remain in any shop for any illegal or immoral purpose.

(12) No toddy, arrack, or foreign liquor including coco-brandy shall be sold or given from an Abkari shop—

(a) Without the permission in writing of the commanding officer or of some person duly authorised by him in that behalf to any officer of the defence forces;

(b) Whilst on duty to—

(i) Any officer or camp follower or any member of the Police forces;

(ii) Any officer of the Excise Department;

(iii) Any servant of the Railway Department;

(c) In any circumstances to—

(i) Any vagrant under the escort of Police;

(ii) Any person under 18 years of age;

(iii) Any insene person or;

(iv) Any person known or believed to be intoxicated.

(13) Shops other than foreign liquor wholesale shops situated on or adjacent to the line of march shall be closed as may be ordered by the Board of Revenue, while a regiment or detachment of defence forces is passing or is encamped in the vicinity. Every shop keeper other than foreign liquor wholesale shop keepers shall on his own motion close his shop when there is riot or disturbance in the neighbourhood.

(14) Subject to the provision of the above condition every shop shall be kept open as prescribed in sub-rule (10) unless its temporary or permanent closure is authorised or ordered by the Board of Revenue. In every shop such supply of toddy, arrack or foreign liquor including coco-brandy as the Board of Revenue, or the Deputy Commissioners of Excise or Assistant Excise Commissioner may consider sufficient to meet the local requirement shall be maintained. Shops not opened before the 1st May of the year and shops once opened but in which the sales have been discontinued for more than 30 days consecutively shall be liable to be resold at the risk of the licensees.

(15) No toddy arrack, foreign liquor or coco-brandy shall be sold in shops except for cash.

(16) Every licensee shall maintain in his shop from day to day true accounts of the transactions which shall be written in ink in the form prescribed by the Board of Revenue. Such accounts shall be in printed books which can be obtained from the Excise Department on payment of cost price. The accounts shall be produced for the inspection of officers authorised to inspect such shops. Permits for the purchase and transport of liquors from Distillery, Warehouse or another licensee should be filed in the shops and produced before the inspecting officers along with the accounts of the shop. Permits granted under these rules shall be in printed forms.

(17) Such returns and information as may be required by the Board of Revenue and Excise Officers from time to time shall be furnished by licensee.

(18) Every licensee shall be bound to report to the Assistant Excise Commissioner in charge of the Division all instances which comes to this knowledge of any person employed by him in the carriage or sale of toddy,

arrack or foreign liquor including coco-brandy committing breaches of the Abkari or Opium Laws or rules made thereunder and to comply with any order of the Assistant Excise Commissioner to discontinue the employment of such person.

(19) The licensee shall maintain in his shop an inspection note book with the pages numbered consecutively for inspecting officers to enter their remarks in.

(20) The vessels or receptacles in which toddy, arrack or foreign liquor including cocobrandy is kept for sale shall be maintained in a scrupulously clean condition.

(21) The licensee shall be bound to comply with the requisition of the Board of Revenue to dispense with any agent or servant employed by him in the business of his contract or licence whenever the Board of Revenue considers it necessary in the interest of the proper working of the contract or licensee to make such requisition.

(22) The licensee shall not sell or otherwise transfer his contract or licence without the written consent of the Assistant Excise Commissioner concerned. No licensee shall lease out or sub rent the whole or any portion of the privilege granted to him under the licence.

(23) The licensee shall on requisition by the Board of Revenue or any officer duly authorised by it deliver up the licence for amendment or renewal.

(24) The licensee shall not have pecuniary dealings of any kind with the officers of the Excise Department.

(25) The amount for which privilege has been purchased shall be payable by the licensee into the local Taluk or other Treasury as may be ordered from time to time. The rental due for the period from 1st April of the year to 31st March of the year following shall be payable in 10 equal monthly instalments. The instalments shall be payable on or before the 10th day of each English Calendar month beginning from 1st April. In case of failure of payment, interest at the rate of 9 per cent per annum shall be charged from 11th.

In calculating interest, for periods of less than a month, 15 days and more shall be taken as one month and periods of less than 15 days shall be ignored and if the arrears contain fractions of a rupee, 50 paise and above shall be treated as one rupee and any amount less than 50 paise shall be ignored.

But no cancellation of the licence or resale of the shop shall be ordered until after the 25th day of the month. In the case of resale of shops due to failure of payment of security deposit, the original purchaser shall be liable to pay interest at 9 per cent on the amount of loss by resale, if any due from him from 1st April.

(26) No remission or abatement of the rental shall be claimable by the licensee on any account whatsoever.

(27) Whenever the licensee has to pay money into the treasury on account of the kists, tree-tax, duty etc., or other dues in respect of the shop, he shall produce before the treasury officer with the money a chalan signed by him or his authorised agent for the payment and countersigned by the Excise Inspector in charge of the Range or other officer authorised by the Board of Revenue in that behalf not more than three days before its presentation. The licensee may also choose to pay money in cash to the Excise Inspector and obtain proper receipts from him in Form TR. 5.

(28) Whenever the licensee fails to pay the kist tree tax, duty etc., due from him for any month together with the interest due under sub-rule (25) on or before the 25th day of the month, the Asst. Excise Commissioner subject to confirmation by the Board of Revenue may cancel the licence and order a resale at the risk of the licensee or direct the management of the business of the contract by departmental agency or otherwise dispose of the same. All losses on account of such cancellation and resale or Departmental management or other disposal of the privilege shall be borne by the defaulting licensee, but he shall have no right to the gain, if any, which accrues. Disposal otherwise than by resale includes closure. The whole of the deposit, if any made at the commencement of the lease shall be liable to forfeiture. The Departmental Management fee collected from a shop while it was under Departmental management due to default of payment of security, kist etc., shall be liable to forfeiture at the discretion of the Excise Commissioner. The Assistant Excise Commissioner may, however, allow sales to continue or make such other arrangements as he deems fit pending resale or other disposal of the privilege. Any sum due from a licensee on account of kist, tree tax or otherwise may be recovered from his deposit, if any, made by him at the commencement of the lease or collected under the Revenue Recovery Act. If any adjustment is made from the deposit the licensee shall be bound to replace the sum adjusted from his deposit within fifteen days of receipt of notice from the Excise Officer in charge of the Division in which his shop is situated. Interest on account of loss by resale shall be calculated from the date of confirmation of the resale of the shop.

(29) Interest on all money due shall be payable at the rate of nine per cent per annum.

(30) Infraction of any of the conditions of the licence or of these rules or of the Tree Tax Rules or any offence committed against the Abkari Act, within or outside the licensed premises either by a licensee or by any person in his employment shall entail on the licensee either:—

(a) Payment of fine upto Rs. 2,000 (two thousand); or

(b) Forfeiture of deposit if any and cancellation of licence and resale or other disposal of the privilege at the risk of the licensee. When the licence is thus cancelled the amount still payable for the reminder of the term of the licence shall become due at once.

(31) Officers not below the rank of the Assistant Excise Commissioner shall be competent to impose the above penalties.

(32) Failure on the part of the licensee to pay up the amount of the fine, if any, imposed upon him under this clause shall entail on him the consequence similar to those prescribed in sub-rule (28) for failure to pay the kist due from him.

(33) The imposition of a fine or the forfeiture of the deposit or the cancellation of the licence under these provisions shall not relieve the licensee or his agents from liability to be prosecuted for any specific offence committed against the Abkari Act or for any infringement of these provisions.

(34) If the licensee shall be convicted of any offence under any law for the time being in force relating to the Excise Revenue or, subsequent to the licencee taking out his licence, should it transpire that before the grant of such licence he was convicted of any such offence, the Board of Revenue may declare his licence forfeited. If the licensee is convicted under the penal code or after the issue of the licence to him should it transpire that previous to such issue he was convicted under the law or was disqualified to hold a shop under sub-rule (3) rule 5 such conviction or the disqualification shall render him liable to forfeiture of the licence and also the forfeiture of his deposit, if the offence of which he is convicted or the disqualification disclosed is such, as in the opinion of the Board of Revenue renders him unfit to hold it. When a licence is forfeited under this sub rule, the privilege shall be resold or otherwise disposed of at the risk of the licensee.

(35) With the sanction of the Government the Board of Revenue may upon giving 15 days notice revoke the licence in which case a proportionate part of the fee paid by the licensee shall be refunded to him.

(36) All Excise Officers of and above the rank of (1) Excise Inspectors in the case of Foreign Liquor including Coco brandy shops and (2) Preventive Officers in the case of Toddy and Arrack shops shall have authority to inspect licensed shops to examine the premises, to test the measures in use and the articles under sale and to call for and check the accounts kept in the shop. The licensee or his agent or saleman shall on requisition by the Inspecting Officer produce before him the whole stock of the article under sale and afford him every facility for taking stock of the same.

(37) The licensee shall possess or use in his licensed premises only such standard measures of capacity as may from time to time be prescribed by Government, provided that this condition will not apply to Foreign Liquor Wholesale licensees.

(38) No women shall be employed in any capacity in a Toddy, Arrack or Foreign liquor including Coco brandy shop.

(39) The licensee shall be bound by all the rules which have been passed under the Abkari Act and which may hereafter be made under the said Act or under any law relating to Abkari Revenue which may hereafter be made.

CHAPTER VI

SPECIAL CONDITIONS APPLICABLE TO LICENSEES FOR THE PRIVILEAGE OF VENDING TODDY IN INDEPENDENT SHOPS

7 (1) The right conferred by a license under this chapter extends only to the manufacture and sale of fermented Toddy and not other kinds of liquors. The Government shall be at liberty to dispose of the privilege of vending other liquors as they deem fit.

(2) No toddy other than that drawn from the coconut, palmyra or choondapana palms shall be sold by the licensee. All toddy kept or offered for sale should be of good quality and unadulterated. Nothing shall be added to it to increase its intoxicating power or for any other purpose.

(3) The licensee may draw the Toddy he requires for sale or may have it drawn under tree tapping licenses to be obtained under the Tree Tax Rules He may purchase Toddy from any licensed Toddy shop keeper on application to the Excise Inspector of the Range who shall grant the required permits on proof of the necessity for the same. No Toddy except the produce of trees marked by proper Officer and tapped under license shall be kept in the shop or offered for sale or sold.

(4) In all matters relating to tree tax, the licensee shall be bound by the Tree Tax Rules. Further the minimum number of trees that should be tapped during each period of Tree tapping licence and that should be applied for by a licensee in the first application shall be 30 coconut or 60 palmyra or 15 Choondapana. The failure on the part of any licensee to carry on sale in his shop for any period during the continuance of his licence shall not exempt him from the payment of the tree tax due on the minimum number of trees which have to be marked for his shop for each licensing period.

(5) It shall be competent to the Board of Revenue to restrict the number of trees to be licensed for any shop if it be found that the number applied for by the shop holder is in excess of the actual requirements of the shop.

(6) No licensee shall sell toddy unless he has taken out tree tapping licence under the Tree Tax Rules. The licence confers no right to the free use of any tree for the purpose of tapping. The licensee must make his own arrangments with the owner of the trees.

(7) The licensee shall be responsible to Government for all instalments of fees due on account of tree tapping licences granted on his application in his name or in the name of the nominee under the conditions set forth therein and in the rules relating thereto.

(8) The licensee shall not manufacture vinegar from toddy except under such conditions as may be laid down by the Board of Revenue. The distillation of spirits from toddy is absolutely prohibited.

(9) In order to ensure that real benefits accrue to the tappers all successful bidders shall abide by the following conditions also:—

(a) Minimum wages including preparation charges shall be paid as per the Minimum Wages Notification.

(b) When toddy is tapped outside a radius of half a mile from the shop the contractor shall make his own arrangements for transporting toddy.

(c) Tree pattom and tree tax shall in all cases be paid by the contractor

(d) The contractor shall provide the tapping accessories eg. rope, clay, mattam etc.

(e) Bonus as per Payment of Bonus Act Central Act of 1965 shall be paid.

(f) Leave with wages shall be given at the existing rate subject to a minimum of five days per year.

(g) Remuneration at double the ordinary rates shall be given to the tappers on "Independence Day" "Republic Day" and "Onam Day".

(h) As regards accidents to tappers the provisions of the Workmen Compensation Act would apply.

(i) The tappers attached to a particular shop shall consistent with the requirements of the shop be given preference in the matter of employment on that shop unless it be that there are sufficient reasons to the contrary such as convictions of the tappers under the Abkari Act, their proved misconduct etc.

(j) Contribution towards gratuity and provident fund shall be paid by the contractor under the provisions of the Kerala Toddy Works Welfare Fund Act, 1967.

CHAPTER VII

SPECIAL CONDITIONS APPLICABLE TO LICENSES FOR THE PRIVILEGE OF VENDING ARRACK IN INDEPENDENT SHOPS

8. (1) The monthly quota of Arrack which shall be allowed for the shop that is put up to auction shall be announced by the auctioning officer. The Assistant Excise Commissioner may however permit the issue of arrack in excess of the announced monthly quota on realisation of commission at a rate to be fixed by the Board of Revenue. The Assistant Excise Commissioner shall be competent to permit the issue of the undrawn quantity in any quarter for any shop in the next quarter. The Range Inspectors shall be competent to issue the lapsed quota of arrack of a month during the succeeding month of the same quarter.

(2) All Arrack kept or offered for sale shall be unadulterated and undiluted and it shall be of the same quality and strength as issued from the Distillery or warehouse by the supply contractor. Nothing shall be added to it to increase its intoxicating power or for any other purpose.

(3) If a licensee's demand for Arrack at any time be found in excess of the total requirements of the shop it shall be competent to the Board of Revenue to restrict such demand to what it considers to be necessary for the purpose of sale in the shop. The Board of Revenue is also competent to fix the quantity of Arrack that may be sold in any shop or locality.

(4) The right conferred by a license under these rules extends to the sale of Arrack of 25 degree U. P. only.

(5) Contract suppliers of Arrack are prohibited from holding any interest in the retain vend of Arrack or without the permission of Government in the vend of other intoxicants in any part of their supply area and from employing any person who has such interest.

(6) The licensee shall purchase arrack only from a Distillery or Warehouse established by the contract suppliers. Special licenses shall be issued by the Assistant Excise Commissioner to contractors of arrack shop who have taken all the Arrack shops of a Range enblock or more or to their agents, for opening Depots where necessary to store duty paid arrack on payment of a fee of Rs. 50 and on such conditions as may be prescribed by the Board of Revenue. Not more than one Arrack Depot will be sanctioned in a Range.

(7) The price due to the supply contractors for arrack of 25 degree U. P. shall be published from time to time.

(8) The licensees are expected to sell the stuff at a reasonable price only and it shall be competent for the Board of Revenue to prescribe selling price whenever it is found necessary. Any contravention of instructions issued in this behalf will be dealt with as breach of the licence conditions.

(9) If at any time, during the currency of the contract on account of the change in the price of jaggery or molasses or other sufficient cause Government deem it necessary to revise the supply price due to the supply contractor Government may revise the price accordingly and the licensee shall in that case be bound to purchase spirits at such revised rate. The Government may also at any time during the currency of the contract, if found necessary revise the rate of duty.

(10) Government may also at any time during the currency of the contract order the discontinuance of the issue of Arrack of 25 degree U. P. strength and direct the issue of arrack having any lower strength which is not below 60 degree U.P. In the event of arrack of a strength which is below 25 degree U.P. being ordered to be issued, the supply price and the duty to be paid for the same shall be in proportion to the price and duty for 25 degree U. P. strength.

(11) Whenever the licensee has to purchase Arrack he shall produce before such Treasury Officer, as he may from time to time be directed a chalan signed by the licensee or his authorised agent and countersigned by the Excise Inspector of the Range or other Officer empowered in this behalf for the

amount of duty due to Government as may be prescribed from time to time on the quantity he desires to purchase. The receipt obtained from the Treasury for the payment of such duty shall then be produced before the Officer in charge of the Distillery or Warehouse who will order the supply contractor to issue the quantity of Arrack for which duty has been paid. He shall pay in cash to the supply contractor or his authorised agent the price due to him for the quantity on which duty has been paid. The supply contractor's liability to issue the Arrack will commence only on the expiration of 48 hours after the receipt of such order excluding recognised holidays.

(12) The minimum quantity of Arrack which a licensee shall purchase at one time from a Distillery or Warehouse shall be 20 litres.

CHAPTER VIII

SPECIAL CONDITIONS APPLICABLE TO THE LICENSEES OF FOREIGN LIQUOR RETAIL SHOPS

9. (1) The minimum strength at which foreign spirits can be sold are 25 degree under proof for Whisky, Brandy and Rum and 35 degree under proof for Gin.

(2) The licensee is prohibited from rectifying spirits, or purifying, colouring, flavouring or mixing any materials therewith.

(3) Every receptacle containing spirits manufactured and flavoured, coloured or compounded in India, and received or kept for sale must be conspicuously labelled or branded with the words "Spirit manufactured in India". All liquor imported in bulk and bottled in the State received or kept for sale must bear a printed label showing clearly the country of manufacture, the name of the bottler as entered in his license, the place of bottling, the quantity and the strength of such liquor.

(4) The sale of any article other than foreign liquor, aerated waters and cocobrandy in the licensed premises is prohibited.

(5) When the period of the licence expires or when the license is cancelled and notice of such cancellation is given to the licensee the licensee shall within 30 days from the date of expiry of the period of the licence or from receipt of such notice as the case may be, sell the full stock of foreign liquor in his possession to any vendor who holds a licence to sell such liquor. Should the licensee fails to do so within the prescribed period the Excise Inspector of the Range within which the licensee's shops is situated shall take such foreign liquor in custody and keep the same in his office. The licensee shall be allowed a further period of thirty days for selling the same in one transaction to another licenced vendor of Foreign Liquor. If before the expiry of this further period the licensee fails to sell it the Officer in charge of the Division shall sell such Foreign Liquor by public auction and deliver to the licensee the proceeds thereof after deducting from such proceeds the expenses connected

with the sale. Separate accounts shall be maintained by the licensee for sale (1) to other licensees licensed for sale under the Foreign Liquor Rules (2) to persons other than such licensees and (3) for export to places outside the State.

10. The sale of cocobrandy shall be subject to the additional conditions hereinafter set forth, namely:—

(a) Coco-brandy shall be sold only in Foreign Liquor Retail shops.

(b) Coco-brandy coloured and flavoured shall be supplied by the Supply contractor to the shop-keepers in half and full bottles containing 350 and 700 M.L., respectively, labelled, capsuled and sealed with the seal of the Excise Inspector in charge of the Distillery.

(c) Every bottle containing cocobrandy shall have printed labels with a certificate specifying the quantity and strength of the liquor contained in the bottle. The certificate shall be in the following form and will be printed on the label "Certified that this bottle contains 700 or 350 M. Litres of cocobrandy of 25° U. P. strength". The certificate shall be signed both by the Distillery Inspector and the Supply Contractor's agent at the Distillery.

(d) The sale of cocobrandy in bottles of 700 m. litres or 350 m. litres as issued from the warehouse or distillery i. e., with the seal etc., in tact as also the retail sale thereof is permitted. For the purpose of retail sale not more than one bottle shall be kept open in the shop at a time. A fresh bottle should be opened only when the one already opened has been fully exhausted. The Contractor shall sell the stuff at a reasonable price only and the Government shall have power to prescribe the selling price and mode of supply whenever it is found necessary. The mode of supply and the price of cocobrandy to be supplied to the licensees by the supply contractors shall be notified by Government from time to time. Any contravention of the instructions issued in this behalf will be treated as a breach of the conditions of the licence.

(e) Shop kepeers are prohibited from accepting from the distillery or warehouse bottles without capsules, seals, labels, etc. No shop-keeper shall have in his possession or sell any bottle of cocobrandy without the capsule or with the seal or label partially or wholly effaced.

(f) The duty due at the rate prevailing from time to time shall be levied on the quantity of Cocobrandy issued from the warehouse or distillery concerned before issue. The bottles of cocobrandy purchased from the warehouses or taken delivery of at the nearest Railway Station or at the Road Transport Parcel Office or agency as the case may be shall be transported to the shop at the risk and expense of the licensee. No claim for refund of any amount be entertained for any breakage or loss in transmission.

(g) Government may at any time during the currency of the contract, order the discontinuance of the issue of cocobrandy at 25° U.P. strength and direct the issue of Cocobrandy having a strength of 35° U.P. or any lower strength which is not below 60° U.P. In the event of cocobrandy of a strength

which is below 25° U. P. being ordered to be issued the supply price and the duty to be paid for the same shall be in proportion to the price and duty specified above for 25° U. P. strength.

(h) Whenever the licensee has to purchase Coco-brandy he shall produce before such treasury, as may from time to time be fixed a chalan countersigned by the Excise Inspector of the Range or other officer empowered in this behalf for the amount of the duty, etc., due to Government on the quantity of Coco-brandy he desires to pruchase. The receipt obtained from the Treasury for the payment of the duty etc., shall then be produced before the officer-in-charge of the distillery or warehouse as the case may be who shall order the supply contractor to issue the quantity of Coco-brandy required. He shall pay in cash to the supply contractor or his authorised agent the supply price due to him for the above quantity of Coco-brandy. The supply contractor's liability to issue the Coco-brandy will commence only on the expiration of 48 hours after the receipt of such order excluding recognised holidays.

(i) The minimum quantity of Coco-brandy which a licensee shall purchase at one time from a distillery or warehouse shall be 5 litres.

CHAPTER IX

SPECIAL CONDITIONS APPLICABLE TO LICENSEES OF FOREIGN LIQUOR WHOLESALE SHOPS

11. (1) The privilege under a licence under this Chapter extends to the vend of foreign liquor in sealed bottles.

(2) The vend of foreign liquor in bottles of less than 300 M.L. capacity is prohibited.

(3) The liquor sold under this licence shall not be allowed to be consumed on the premises.

(4) The minimum strength at which Imported and Indian made foreign spirits can be sold are 35 degree under proof for Gin and 25 degree U. P. for all other kinds of spirits.

(5) The licensee is prohibited from rectifying spirits or spurifying, colouring , flavouring or mixing any materials therewith.

(6) Every receptacle containing spirits manufactured and flavoured or coloured or compounded in India and received and kept for sale must be conspicuously lebelled or branded with the words "spirits manufactured in India". All liquor imported in bulk and bottled in the State received or kept for sale must bear a printed label showing clearly the country of manufacture, the name of the bottler as entered in his license, the place of bottling the quantity & strength of liquor.

(7) When the period of the licence expires or when the licence is cancelled and notice of such cancellation is given to the licensee, the licensee shall within 30 days from the date of expiry of the period of the licence or from receipt of

such notice, as the case may be sell the full stock of foreign liquor in his possession to any vendor who holds a valid license to sell such liquor. If the licensee fails to do so within the prescribed period, the Excise Inspector of the range within which the licensee's shop is situated shall take such foreign liquor in custody and keeps the same in his office. The licensee shall be allowed a further period of 30 days for selling the same in one transaction to another licensed vendor of foreign liquor. If before the expiry of this further period the licensee fails to sell it, the officer in charge of the Division shall sell such foreign liquor by public auction and deliver to the licensee the proceeds thereof after deducting from such proceeds the expenses connected with the Sale.

CHAPTER X

MISCELLANEOUS POWERS

12. It shall be competent to the Board of Revenue or a superior Excise Officer to exercise all powers delegated to the Subordinate Officers and to set aside, modify or otherwise revise any order passed by any Excise Officer subordinate to the Board or to him as the case may be.

13. The Government may suo motu, revise the orders of the Board of Revenue or any subordinate officer, provided that no order shall be passed under this rule unless the person affected by such order is given an opportunity to be heard.

14. Nothing in these rules shall apply to the sale of foreign liquor, Toddy, Coco-brandy or Arrack conducted in persuance of any auction sale confirmed before the date of commencement of these rules.

TEMPORARY AGREEMENT

Form No. I

[*See* Rule 5 (10)]

ഉടമ്പടി

കേരളാസ്റ്റേറ്റ് ഗവർണ്ണറും (ഇതിനു താഴെ 'ഗവൺമെൻറ്' എന്നു വിളിക്കുന്നു)...............താലൂക്കിൽ....................വില്ലേജിൽ........................ ദേശത്ത്............... വീട്ടിൽ താമസിക്കുന്ന................ നും (ഇതിനു താഴെ 'ബാദ്ധ്യതക്കാരൻ' എന്നു വിളിക്കുന്നു)...................താലൂക്കിൽ.........വില്ലേജിൽ............ദേശത്ത്............വീട്ടിൽ താമസിക്കുന്ന........നും......... താലൂക്കിൽ ....വില്ലേജിൽ................ദേശത്ത്............വീട്ടിൽതാമസിക്കുന്ന........നും (ഇതിനുതാഴെ 'ജാമ്യക്കാർ' എന്നു വിളിക്കുന്നു) കൂടി എഴുതിപ്പിടിപ്പിച്ച ഉടമ്പടി.

കേരള ഗവൺമെൻറ് റവന്യൂ ഡിപ്പാർട്ടുമെൻറിൽനിന്നും 19.......മാസം ....നു- ഗസററ് നമ്പർ........ൽ കള്ള്, ചാരായം, കൊക്കോബ്രാണ്ടിയുൾപ്പെടെയുള്ള വിദേശമദ്യം ഇവ വിൽപ്പന നടത്തുന്നതിനുള്ള അവകാശത്തെപ്പററി പ്രസിദ്ധപ്പെടുത്തിയിട്ടുള്ള പരസ്യത്തിലേയും അതോടുകൂടി പ്രസിദ്ധപ്പെടുത്തിയിരിക്കുന്ന ഷാപ്പ് വിവരപ്പട്ടികയിലേയും താൽപ്പര്യപ്രകാരം............ താലൂക്കിലെ........-ാം നമ്പർ.........ഷാപ്പ്...........വച്ച് ഇന്നേദിവസം റവന്യൂ ബോർഡ് മെമ്പർ, ജില്ലാ കളക്ടർ, എക്സൈസ് ഡപ്യൂട്ടി കമ്മീഷണർ, അസിസ്ററൻറ് എക്സൈസ് കമ്മീഷണർ ലേലം വിളിച്ചതിൽ 19........-ാമാണ്ട് ഏപ്രിൽമാസം 1-ാംനു- മുതൽ 19....-ാമാണ്ട് മാർച്ച് മാസം 31-ാംനു- വരെ കൊല്ലത്തേക്ക്....................രൂപ(...........) ക്ക് ഞാൻ (ബാദ്ധ്യതക്കാരൻ).വിളികെട്ടിരിക്കുന്നു. ലേലപ്പരസ്യത്തിലെ നിശ്ചയപ്രകാരം ലേലത്തുകയിൽ...........ശതമാനം തുകയായ...........രൂപ (.......................) ഇന്നു തന്നെ കെട്ടിവച്ചുകൊള്ളാം. അപ്രകാരം ചെയ്തില്ലെങ്കിൽ ഞാൻ കെട്ടി വച്ചിട്ടുള്ള നിരതദ്രവ്യം ഗവൺമെൻറിലേക്ക് മുതൽ കൂട്ടുന്നതിനും ടി വിൽപ്പന അവകാശത്തെ ഉടൻതന്നെയോ, പരസ്യപ്പെടുത്തുന്ന മറേറതെങ്കിലും ദിവസമോ, 1974-ലെ കേരള അബ്കാരി ഷാപ്പുകൾ (ലേലവിൽപ്പന) ചട്ടങ്ങൾ അനുസരിച്ച് എൻെറ (ബാദ്ധ്യതക്കാരനും ജാമ്യക്കാരനുമായ ഞങ്ങളുടെ) നഷ്ടബാദ്ധ്യതയിൻമേൽ പുന:ലേലത്തിൽ വിൽക്കുകയോ റവന്യൂ ബോർഡിൻെറ യുക്തം പോലെ മററു നടപടികൾക്ക് വിധേയമാക്കുകയോ ചെയ്യാവുന്നതാകുന്നു.

മേൽപ്രകാരം പുനർലേലം നടത്തുകയോ മററു നടപടികൾക്ക് വിധേയമാക്കുകയോ ചെയ്യുന്നതിനാൽ ഗവൺമെൻറ് റവന്യൂവിൽ കൂടുതൽ വന്നാൽ എനിക്ക് (ബാദ്ധ്യതക്കാരന്) അവകാശമില്ലാത്തതും വല്ല കുറവും വന്നാൽ കുറവു സംഖ്യയും പലിശയും മററു ചെലവുകളും ഞങ്ങളിൽനിന്നും ഞങ്ങളുടെ സ്ഥാവരജംഗമസ്വത്തുക്കളിൽ നിന്നും കൂട്ടായോ പ്രത്യേകം പ്രത്യേകമായോ ഈടാക്കിയെടുക്കുന്നതിന് ഞങ്ങൾ സമ്മതിച്ചിരിക്കുന്നു.

എൻെറ (ബാദ്ധ്യതക്കാരൻെറ) പേരിൽ ലേലം സ്ഥിരപ്പെടുത്തി വന്നാൽ പത്തു ദിവസത്തിനകമോ 19.......മാർച്ച് 31-ാനു-ക്കുമുമ്പോ ഇതിൽ ഏതു തീയതിയാണ് ആദ്യം വരുന്നതെന്നാൽ ആ തീയതിക്കകം ലേലത്തുകയിൽ മുമ്പ് കെട്ടിവച്ചിട്ടുള്ള തുകയോടുകൂടി മൊത്തം മുപ്പതു ശതമാനത്തിൽ കുറയാത്തതോ അസിസ്ററൻറ് എക്സൈസ് കമ്മീഷണർ നിശ്ചയിക്കുന്ന മററു കൂടുതൽ സംഖ്യയോ എൻെറ (ബാദ്ധ്യതക്കാരനു) കളക്ടറിൻമേൽ നിയമപ്രകാരം ഉടമ്പടി പുതുക്കി എഴുതുകയും ചെയ്തുകൊള്ളാം. അപ്രകാരം ചെയ്യാതിരുന്നാൽ ഞാൻ (ബാദ്ധ്യതക്കാരൻ) മുൻകൂർ കെട്ടിവച്ചിട്ടുള്ള സംഖ്യ പിഴയായി പിടിച്ച് ഗവൺമെൻറിലേക്ക് മുതൽ കൂട്ടാവുന്നതും എൻെറ ബാദ്ധ്യതക്കാരനും ജാമ്യക്കാരനുമായ ഞങ്ങളുടെ നഷ്ടബാദ്ധ്യതയിൻമേൽ ഷാപ്പ് രണ്ടാമതും ലേലം വിളിക്കുകയോ മററു വിധത്തിൽ വ്യാപരിക്കുകയോ ചെയ്യാവുന്നതുമാകുന്നു.

മേൽപ്രകാരം പുനർലേലം ചെയ്യുന്നതിന് മററു നടപടികൾക്ക് വിധേയമാക്കുകയോ ചെയ്യുന്നതിൽ ഗവൺമെൻറ് റവന്യൂവിൽ കൂടുതൽ വന്നാൽ എനിക്ക് അവകാശമില്ലാത്തതും വല്ല കുറവും വന്നാൽ കുറവു സംഖ്യയും പലിശയും മററു ചെലവുകളും ഞങ്ങളിൽനിന്നും ഞങ്ങളുടെ സ്ഥാവരജംഗമസ്വത്തുക്കൾ കൂട്ടായോ പ്രത്യേകം പ്രത്യേകമായോ ഈടാക്കിയെടുക്കുന്നതിന് ഞങ്ങൾ സമ്മതിച്ചിരിക്കുന്നു.

ഈ ഉടമ്പടി അനുസരിച്ച് ബാദ്ധ്യതക്കാരനും ജാമ്യക്കാരനും തുല്യ ബാദ്ധ്യതക്കാരാണ്. ഈ ഉടമ്പടി പ്രകാരം ഗവൺമെൻറിലേക്ക് ഈടാക്കേണ്ടതായിവരുന്ന സംഖ്യ ഞങ്ങളിൽനിന്നും ഞങ്ങളുടെ സ്ഥാവരജംഗമസ്വത്തു

കളിൽനിന്നും കൂട്ടായോ പ്രത്യേകമായോ അപ്പഴപ്പോഴം നിലവിലിരിക്കുന്ന റവന്യൂ റിക്കവറി നിയമമനുസരിച്ച് കരക്കുടിശ്ശികയെന്നപോലെ ഈടാക്കുന്നതിനും ഞങ്ങഠം ഇതിനാൽ സമ്മതിച്ചിരിക്കുന്നു.

ഈ ഉടമ്പടിക്കാവശ്യമായ മുദ്രവില ഗവൺമെൻറ് വഹിക്കുന്നതാണ്.

ഇപ്രകാരം സമ്മതിച്ച് 19........–ാമാണ്............മാസം........–ാംതീ ഈ ഉടമ്പടിയിൽ ഒപ്പിട്ടുതന്നിരിക്കുന്നു.

എന്ന് ബാദ്ധ്യതക്കാരൻ........താലൂക്ക്........ വില്ലേജിൽ........ ദേശത്ത് ....വീട്ടിൽ...................................... ഒപ്പ്.

ജാമ്യക്കാർ—(1) ....താലൂക്ക്....വില്ലേജിൽ....ദേശം....വീട്ടിൽ ഒപ്പ്

(2) ടി ടി ടി ടി. ഒപ്പ്

സാക്ഷികഠം—(1) ടി ടി ടി ടി ഒപ്പ്

(2) ടി ടി ടി ടി ഒപ്പ്

കേരളാ ഗവർണർക്കുവേണ്ടി.. ഒപ്പ്

സാക്ഷികഠം—(1) .... ഒപ്പ്

(2) .... ഒപ്പ്

PERMANENT AGREEMENT

FORM No. II

[*See* rule 5 (15)]

കേരള സ്റേററ് ഗവർണ്ണർപേർക്ക് (ഇതിനു താഴെ ''ഗവൺമെൻറ്'' എന്നു വിളിക്കുന്നു)...........താലൂക്കിൽ...........വില്ലേജിൽ.......ദേശത്ത്.... വീട്ടിൽ താമസിക്കുന്ന................നും (ഇതിനു താഴെ ''ബാദ്ധ്യതക്കാരൻ'' എന്നു വിളിക്കുന്നു)...........താലൂക്കിൽ...........വില്ലേജിൽ...........ദേശത്ത്.... വീട്ടിൽ താമസിക്കുന്ന...........നും........താലൂക്കിൽ..........വില്ലേജിൽ......... ദേശത്ത്................വീട്ടിൽ താമസിക്കുന്ന...............നും (ഇതിനു താഴെ ''ജാമ്യക്കാർ'' എന്നു വിളിക്കുന്നു) കൂടി 1077–ലെ 1–ാം ആക്ററായ അബ്കാരി ആക്ററ് 25–ാം വകുപ്പുപ്രകാരം എഴുതിക്കൊടുത്ത

ഉടമ്പടി

197..-ാം മാണ്ട്...............മാസം...............-ാം തീയതിയിലെ കേരള ഗസററുമുഖേന അബ്കാരി വില്പനാവകാശത്തിന്നായി പരസ്യപ്പെടുത്തിയിരിക്കുന്ന.........-ാം നമ്പർ ഗവൺമെൻറ് വിജ്ഞാപനപ്രകാരം താഴെ പട്ടികയിൽ ചേർക്കുന്ന ഷാപ്പുകൾ 197..ഏപ്രിൽ 1-ാം തീയതി മുതൽ 197..മാർച്ച് മാസാവസാനംവരെയുള്ള ഒരു കൊല്ലത്തേക്കു ലേലം വിളിച്ചതിൽ ടി ഷാപ്പുകൾ ബാദ്ധ്യതക്കാരൻ..........രൂപയ്ക്ക് വിളിച്ചു കൊള്ളുകയും അതനുസരിച്ച് ബാദ്ധ്യതക്കാരൻെറ പേരിൽ..........രൂപയ്ക്ക് ലേലം സ്ഥിരപ്പെടുത്തുകയും ടി പരസ്യത്തിലെ നിശ്ചയപ്രകാരം..........രൂപാ സെക്യൂരിററിയായി ബാദ്ധ്യതക്കാരൻ കെട്ടിവയ്ക്കുകയും ചെയ്തിരിക്കുന്നു.

197..-ാമാണ്ട് ഏപ്രിൽമാസം 1-ാം തീയതി മുതൽ ഓരോ മാസത്തേക്കും അടയ്ക്കേണ്ടതായ കിസ്തുസംഖ്യയും പുകയ്ഷനികുതിയും ടി ഷാപ്പ് സംബന്ധമായി, ഗവൺമെൻറിലേക്ക് അടയ്ക്കാനുള്ള മററു സംഖ്യകളും...............ഗഡുവുകളിലായി [illegible] വർഷവും..........തീയതി ക്രമമായി ഗവൺമെൻറ് ട്രഷറിയിൽ അടച്ചുകൊള്ളാൻ ബാദ്ധ്യതക്കാരൻ ഈ കാരണത്തിനാൽ കടപ്പെട്ടിരിക്കുന്നു. മേൽപ്പറഞ്ഞപ്രകാരം ഗവൺമെൻറിനു കൊടുക്കേണ്ട ഏതെങ്കിലും തുക അതാതു ഗഡുക്കളിൽ അടയ്ക്കാതെ വ്യത്യാസം വരുത്തിയാൽ ആ സംഖ്യ അടയ്ക്കേണ്ട തീയതി മുതൽ കൊല്ലത്തിൽ രൂപയ്ക്ക് 9 ശതമാനം പലിശ സഹിതം കുടിശ്ശിക പലിശയോടുകൂടി ബാദ്ധ്യതക്കാരൻ ഒടുക്കേണ്ടതാണ്. പണം ഒടുക്കേണ്ട ഗഡുക്കളിൽ ഏതെങ്കിലും ഒന്നിനു വീഴ്ചവരുത്തി പണം അടക്കാതിരുന്നാൽ ബാദ്ധ്യതക്കാരനു സിദ്ധിച്ച ടി ഷാപ്പുകളുടെ ലൈസൻസ് റദ്ദാക്കുന്നതിനും ടി ഷാപ്പുകൾ ഉടനടി വീണ്ടും ലേലം ചെയ്യുന്നതിനും ഗവൺമെൻറിന് അധികാരമുണ്ടായിരിക്കുന്നതാണ്. ഇപ്രകാരം ലേലം ചെയ്യുന്നതിൽനിന്നും ഗവൺമെൻറിനുണ്ടാകുന്ന സകല കഷ്ടനഷ്ടങ്ങൾക്കും ബാദ്ധ്യതക്കാരൻ ഉത്തരവാദിയാകുന്നതാണ്. സെക്യൂരിററിയായി കെട്ടിവച്ചിരിക്കുന്ന തുക...............രൂപാ ടി ലൈസൻസിൻെറ കാലാവധി അവസാനിക്കുമ്പോൾ ബാദ്ധ്യതക്കാരന് തിരികെ കൊടുക്കേണ്ടതാണ്. എന്നാൽ ബാദ്ധ്യതക്കാരൻ ഗവൺമെൻറിലേക്ക് കൊടുക്കാനുള്ള ഏതെങ്കിലും തുക അടയ്ക്കാതെ വീഴ്ച വരുത്തുകയാണെങ്കിൽ ടി സെക്യൂരിററി തുക മുഴുവനും പിഴയായി വസൂലാക്കി ഗവൺമെൻറിലേക്ക് മുതൽ കൂട്ടുന്നതിന് ബാദ്ധ്യതക്കാരൻ ഇതിനാൽ സമ്മതിച്ചിരിക്കുന്നു.

മേൽപ്പറഞ്ഞ നിബന്ധനകളിൽ ഏതെങ്കിലും ബാദ്ധ്യതക്കാരൻ അനുസരിക്കാതെ വന്നാൽ അതിൽനിന്നുണ്ടാകുന്ന സകല കഷ്ടനഷ്ടങ്ങളും ഈ ഉടമ്പടി പ്രകാരം ഗവൺമെൻറിലേക്ക് അടയ്ക്കേണ്ട മററു സംഖ്യകളും ബാദ്ധ്യതക്കാരൻെറയും, ജാമ്യക്കാരുടെയും പക്കൽനിന്നും അവർക്ക് ഇപ്പോഴുള്ള സകല സ്ഥാവരജംഗമസ്വത്തുക്കളിലും മേലാൽ അവരുടെ പേരിൽ സിദ്ധിക്കുന്ന സകല സ്ഥാവരജംഗമസ്വത്തുക്കളിലും നിന്നു പ്രത്യേകം പ്രത്യേകമായോ, കൂട്ടായും അന്നന്നു നിലവിലിരിക്കുന്ന റവന്യൂ റിക്കവറി ആക്ട്പ്രകാരം കരക്കുടിശ്ശിക എന്നപോലെ ഗവൺമെൻറിനു ചെല്ലാനുള്ള തുക മുഴുവനും, ഒരുമിച്ച് ഈടാക്കുന്നതിന് ഗവൺമെൻറിന് അധികാരമുണ്ടായിരിക്കുന്നതാണ്.

ഈ ഉടമ്പടി അനുസരിച്ച് ബാദ്ധ്യതക്കാരനും ജാമ്യക്കാരും തുല്യ ബാദ്ധ്യതക്കാരാണ്. കൂടാതെ ഗവൺമെൻറ്, സമയം ഇളവു ചെയ്യുകയോ ബാദ്ധ്യതക്കാരന് മററുതരത്തിൽ സൗജന്യങ്ങൾ ചെയ്യുകയോ ചെയ്താൽ ഈ കാരണത്തിനാൽ ഉൾപ്പെട്ടിട്ടുള്ള ജാമ്യക്കാരുടെ ബാദ്ധ്യതയെ അവ ബാധിക്കുന്നതല്ല.

ഷാപ്പിന്റെ അതിർത്തികൾ കാണിക്കുന്ന പട്ടിക

ഷാപ്പിന്റെ പേര്	താലൂക്ക്, പകുതി, മുറി	എലുകവിവരം				റിമാർക്ക്
		വടക്ക്	കിഴക്ക്	തെക്ക്	പടിഞ്ഞാറ്	

ഇപ്രകാരം സമ്മതിച്ച് ഈ ഉടമ്പടി എഴുതിക്കൊടുത്ത ബാദ്ധ്യതക്കാരൻ......
....

സാക്ഷികൾ (1)..
(2)..

ശ്രീ...
ശ്രീ...
(ജാമ്യക്കാർ)

സാക്ഷികൾ (1)..
(2)..

197........ആമാണ്ട്...............മാസം.....................—ാം ൹

.....................ഡിവിഷൻ അസിസ്റ്റന്റ്.
എക്സൈസ് കമ്മീഷണർ.

By order of the Governor,

V. Venkitanarayan,

Secretary to Government, (Taxes Department)

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